

## THE HISTORIC DISTRICT COMMISSION

The historic district commission is the regulatory body that reviews work in local historic districts. Commission members are appointed by the local unit of government and serve three-year terms. Depending on the size of the community, the historic district commission consists of five to seven members who are residents of the community and have a demonstrated knowledge of history, architecture and historic preservation. When a local unit of government votes to establish a local historic district, it must adopt a historic district ordinance and appoint a historic district commission to carry out the procedures set forth in the ordinance.

### The Role and Responsibilities of the Historic District Commission

It is the role of the commission to ensure that due process is fairly and equitably applied to all property owners living in a historic district. In *Defensible Decision-Making: Preservation Commissions and the Law*, produced by the Maryland Historical Trust, it states:

Defensible decision-making is important to preservation commissions so that their decisions stand up in court. It requires the preparation of a solid record that reflects positively on the professionalism and integrity of the Commissions.

Though commissioners may face pressure from individuals—and sometimes government officials—to make a certain decision, commissioners must remember that their role is to protect the community's historic resources. That is why they were appointed. Commissioners should keep in mind that they are only reviewing the proposed work that is presented to them—not the personal life or the financial situation of the applicant. The commission should always make their decisions based on the *Standards*. It should be aware of any precedence it may be setting with its decisions and work to develop a record of consistency. To that end it is each commissioner's responsibility to:

- Know the *Secretary's Standards for Rehabilitation*
- Know the local ordinance and state enabling law
- Be familiar with architectural styles and their distinctive features
- Be familiar with the community's history
- Know the Open Meetings Act and conduct meetings accordingly
- Avoid the appearance of conflict of interest and excuse themselves from voting on projects in which they have any involvement
- Follow rules of procedures during the entire review process. **EXAMPLE:** Site visits should be conducted according to the Open Meetings Act and made a part of the record

At a minimum, the commission's role is to maintain the historic integrity of the district at the level it was at when the district was created. However, the best commissions are those that are proactive. They realize that by providing advice and education, publishing easy to understand design review guidelines, developing a resource list of contractors and materials, and sponsoring seminars and workshops about preservation practices, the commission can help property owners become better informed about the history and architecture of their buildings. As a result, the projects presented to the commission for review will be more compatible with the original design elements found in the district. Continuously reminding property owners that they are in a historic district through quarterly newsletters, annual mailings to property owners, and the installation of signs at the entrance to a local historic district will benefit everyone.

### Historic District Commission Review

The commission reviews any work that changes the exterior appearance of a resource in a local historic district using the *Secretary of the Interior's Standards for Rehabilitation*. The commission can develop additional guidelines that deal with specific features, but these guidelines must be approved by the State Historic Preservation Office. Work is described as construction, addition,

alteration, repair, moving excavation or demolition. A resource can be a building, structure, object, site, feature or open space. The commission reviews:

- proposed work to all sides of the resource whether they are visible from the right of way or not
- proposed work to both historic and non-historic resources in a designated district
- the open space that ties buildings together in a district. **Examples:** old growth street trees planted along a boulevard, a park, or a garden designed by a famous landscape architect.
- work that would affect small features or ancillary buildings that have been determined to be significant to the district such as street lights, stone walls, brick pavements and garages
- all resources in the district at the same level of review using the same standards and guidelines

It is important to note that historic district commissions use the *Secretary of the Interior's Standards for Rehabilitation* when reviewing work in a local historic district. The Secretary has established four treatments for historic resources: preservation, rehabilitation, restoration, and reconstruction. Rehabilitation is defined as:

The act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features which convey its historical, cultural, or architectural values.

Many people think of historic preservation only in terms of restoration—taking a resource back to what it looked like at a specific period of time. The restoration treatment applies mainly to museum quality projects and is **NOT** the treatment that is used for local historic districts. Rehabilitation allows for change while protecting as much as the historic material as possible.

### **What the Commission Does Not Review**

The commission does not review ordinary maintenance—any work that alleviates the effects of weathering but does not change the appearance of a resource. Typically, this is “like for like” replacement such as a clapboard of the same size and wood type as the original.

The commission does not review interior work unless it will affect the exterior. **Example:** moving a kitchen cabinet may require the removal of a window opening.

### **Historic District Commission Decisions**

When a project is presented to a commission, the commission has four options. It can **Table** the request if it feels more information is needed to make an informed decision or it can issue a:

- **Certificate of Appropriateness (COA).** A COA means that the work meets the *Secretary's Standards for Rehabilitation* and any other guidelines adopted by the commission. A national study has shown that 95 percent of all work is approved the first time it comes before a historic district commission.
- **Denial.** A Denial means the work does not meet the *Secretary's Standards*. Denials must be accompanied by an explanation in writing as to why the project was considered inappropriate. The commission should work with an applicant to help them modify the proposed project so that it meets the *Standards*. The modified project can be resubmitted to the commission for approval.
- **Notice to Proceed.** A Notice to Proceed means that the commission approves work that is inappropriate for the historic district and does not meet the *Standards* but the

Commission finds it is necessary to substantially correct a safety problem, to enable a significant improvement project that is of substantial benefit to the community, or to alleviate economic hardship on a property owner that is caused by an act of God or of the government.

The commission is required to notify an applicant of its decisions in writing.

It is important that commissioners always base their decisions on the *Secretary's Standards*. They should always make it clear to the applicant why the project does or does not meet the *Standards*. Commissioners should be careful that the language they use during commission meetings reflects the application of the *Standards* and not personal opinion. For example, saying "I don't like it" in response to a project is not acceptable. Instead, it is better to say "the project does not meet Standard # 2 because . . . ." and provide a clear explanation of how the project does not meet the standard.

### **Appeal Process**

If an applicant does not agree with the commission's decision, the applicant can appeal to the State Historic Preservation Review Board and ultimately to the circuit court. Non-applicants that do not agree with a commission's decision can appeal directly to circuit court.